

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

LIFEWISE, INC.,

Plaintiff,

v.

ZACHARY PARRISH,

Defendant.

Case No.: 1:24-cv-00268-SLC

Chief Judge Holly A. Brady

Magistrate Judge Susan L. Collins

**PLAINTIFF LIFEWISE’S RESPONSE TO DEFENDANT’S SECOND
REQUEST FOR JUDICIAL NOTICE**

LifeWise opposes Parrish’s request that the Court take judicial notice of out-of-context excerpts of LifeWise’s website on a motion to dismiss. *See* ECF Nos. 29, 29-1, 29-2. As discussed in LifeWise’s response to Parrish’s motion to dismiss, the Court should not use judicial notice unless it converts Parrish’s motion to dismiss to a motion for summary judgment. *See* Response to Motion to Dismiss (“Resp.”) at 2–4 & n.1. Regardless, if the Court grants Parrish’s request for judicial notice, it should also take judicial notice of Parrish’s entire Website, <https://parentsagainstlife-wise.online>, including the pages of the Website showing that Parrish uploaded LifeWise’s entire Curriculum onto the Website. *See* Compl. ¶¶35–36. And as discussed in LifeWise’s response to Parrish’s motion to dismiss, the Court (after converting the motion to dismiss to a motion for summary judgment) should also take judicial notice of LifeWise’s curriculum-review webpage, <https://lifewise.tfaforms.net/4972189>. *See* Resp. at 10 & n.2.

October 5, 2024

Respectfully submitted,

/s/ James S. Kresge

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CERTIFICATE OF SERVICE

I certify that, on October 5, 2024, I caused the foregoing to be filed electronically with the Clerk of Court using the CM/ECF system, which will provide notification by email of such filing to all counsel of record.

/s/ James S. Kresge
James S. Kresge